

# Wetlands Bureau Decision Report

Decisions Taken  
02/23/2009 to 03/01/2009

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

(NO CATEGORY MATCH)

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**2008-00836 PERKINS, DAVID & PAMELA**  
**MOULTONBOROUGH Unnamed Wetland**

Requested Action:

Retain 825 square feet of wetland and install a 15-inch x 36 foot culvert for access between the existing home to an existing garage on site.

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APPROVE AFTER THE FACT:

Retain 825 square feet of wetland and install a 15-inch x 36 foot culvert for access between the existing home to an existing garage on site.

With Conditions:

1. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
2. This permit is contingent upon the restoration approval including the removal of fill and restoration of 500 square feet of scrub shrub wetland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f); Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

MAJOR IMPACT PROJECT

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**2008-00166 SUNSET RANCH CAMP INC, ROLAND DURHAM**  
**ORFORD Upper Baker Pond**

Requested Action:

Impact 1500 sq ft along 100 linear ft of shoreline to restore and replenish a beach and construct a berm for the purpose of diverting stormwater away from the beach on property having 1,041 ft of frontage on Upper Baker Pond.

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Conservation Commission/Staff Comments:

No comments from Con Com by 04/15/08

APPROVE PERMIT:

Impact 1500 sq ft along 100 linear ft of shoreline to restore and replenish a beach and construct a berm for the purpose of diverting stormwater away from the beach on property having 1,041 ft of frontage on Upper Baker Pond.

With Conditions:

1. All work shall be in accordance with plans and materials by Colin W. Robinson dated November 3, 2008, as received by DES on November 6, 2008.
2. All dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
3. No more than 28 cu yd of sand may be used and all sand shall be located above the normal high water line.
4. This permit shall be used only once, and does not allow for annual beach replenishment.
5. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
6. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
7. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(o), replenishment of a beach with more than 20 cu yd of sand.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on October 7, 2008. Field inspection determined that the project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of Upper Baker Pond, as identified under RSA 482-A:1.

**2008-00442                      GONZALES, KATHLEEN**  
**ACWORTH   Crescent Lake**

Requested Action:

Deny permit request to dredge and fill  $\pm$  160 sq. ft. of perennial stream to culvert, redirect and restore an existing perennial stream channel adjacent to Crescent Lake for access and septic system construction.

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DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny permit request to dredge and fill  $\pm$  160 sq. ft. of perennial stream to culvert, redirect and restore an existing perennial stream channel adjacent to Crescent Lake for access and septic system construction.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i), Projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
2. A request for additional information dated June 05, 2008, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
3. DES received an insufficient response to the June 05, 2008, Request for More Information on September 25, 2008.
4. During an October 01, 2008 phone conversation DES and the Agent discussed items required for approval based on DES review of the September 25, 2008, Agent response.
5. On October 08, 2008 a timeframe review extension by mutual agreement was signed extending the applicants deadline to respond to the June 05, 2008, RMI and October 01, 2008, phone conversation.
6. DES received an insufficient response to the June 05, 2008, RMI and October 01, 2008, phone conversation on November 14, 2008.
7. On December 17, 2008 a timeframe review extension by mutual agreement was signed extending the applicants deadline to respond to the June 05, 2008, RMI and October 01, 2008, phone conversation to February 02, 2009.
8. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
9. DES did not receive the requested additional information within the 120 day timeframe review extension deadline and therefore

the application has been denied.

**2008-01529                      US DEPT OF INTERIOR, FISH & WILDLIFE SERVICE**  
**JEFFERSON   Unnamed Wetland Mud Pond**

**Requested Action:**

Fill approximately 210 sq. ft. of bog wetlands for construction of an 800 linear foot elevated boardwalk trail and associated viewing platform for construction of the Mud Bog Trail (approximate total trail length is 2,500 linear feet) located within the Pondicherry Division of the Silvio O. Conte National Fish and Wildlife Refuge. Work in wetlands consists of the placement post and planks that will float on the ground surface and support the boardwalk trail. The boardwalk will consist of a 5 ft. wide deck with an associated 10 ft. x 15 ft. viewing platform and handrails. The boardwalk and viewing platform will be elevated off the ground surface 2 to 3 ft. with at least 1/2 in. spacing between decking material to allow sufficient light and air penetration between the deck and the surface of the ground. The project has been deemed eligible for compensatory mitigation for the major impact project (work within a bog) in the form of a one time payment of \$503.51 dollars into the DES Aquatic Resource Mitigation Fund (ARM).

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**APPROVE PERMIT:**

Fill approximately 210 sq. ft. of bog wetlands for construction of an 800 linear foot elevated boardwalk trail and associated viewing platform for construction of the Mud Bog Trail (approximate total trail length is 2,500 linear feet) located within the Pondicherry Division of the Silvio O. Conte National Fish and Wildlife Refuge. Work in wetlands consists of the placement post and planks that will float on the ground surface and support the boardwalk trail. The boardwalk will consist of a 5 ft. wide deck with an associated 10 ft. x 15 ft. viewing platform and handrails. The boardwalk and viewing platform will be elevated off the ground surface 2 to 3 ft. with at least 1/2 in. spacing between decking material to allow sufficient light and air penetration between the deck and the surface of the ground. The project has been deemed eligible for compensatory mitigation for the major impact project (work within a bog) in the form of a one time payment of \$503.51 dollars into the DES Aquatic Resource Mitigation Fund (ARM).

**With Conditions:**

1. All work shall be in accordance with plans and narratives by the U.S. Fish and Wildlife Service ("USFWS"), as received by DES on August 4, 2008 and revised through and received by DES on February 10, 2009.
2. Work shall be done during low flow.
3. This approval is contingent on receipt by DES of a one time payment of \$ 503.51 to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by DES within 120 days of the date of the approval letter or the application will be denied.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
7. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
8. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

**With Findings:**

1. This is a major impact project per Administrative Rule Env-Wt 303.02(a) Projects in sand dunes, tidal wetlands, or bogs, except for repair of existing structures pursuant to Env-Wt 303.04(v).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has indicated that the trail will offer visitors of all physical capabilities the ability to participate in three refuge priority public uses of interpretation, wildlife observation and photography, as defined in Executive Order 12996 and the National Wildlife Refuge System Improvement Act of 1997 and is "in keeping with the "sixth legislative purpose of the Refuge: "to provide

opportunities for scientific research, environmental education, and fish and wildlife oriented recreation and access to the extent compatible with the other purposes stated in this section" (Silvio O. Conte national Fish and Wildlife refuge Act (Public law 102-212))".

4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The proposed boardwalk and viewing platform is designed to alleviate indirect impacts to wetlands by elevating it off the ground surface 2 to 3 ft. with at least 1/2 in. spacing between decking material in order to allow sufficient light and air penetration between the deck and the surface of the ground.
6. The support post will rest on the ground surface avoiding the need to excavate the ground and expose soils.
7. The work will be conducted by hand and using portable power tools.
8. The boardwalk will provide a full span over the associated stream channel and will be approximately 5 or more feet above the stream channel bottom.
9. The work will be scheduled for fall or winter months when soils are firm.
10. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
11. DES has received confirmation from the New Hampshire Fish and Game Department, Nongame and Endangered Species Program ("NHFGD") that they do not expect impacts to rare, threatened or endangered species as a result of the fully-accessible trail construction to Mud Pond.
12. The applicant has been in contact with the New Hampshire Natural Heritage Bureau ("NHB") regarding potential impacts to rare plant species. NHB does not have any further concerns, however, recommends that strict guidelines for sediment and erosion control be used during the construction process.
13. The applicant has provided an sediment and erosion control plan and this approval is conditioned on the use of proper sedimentation, erosion and turbidity controls, as well as soil stabilization.
14. The project only consist of 210 sq. ft. of direct wetlands impact, however, because the proposed impacts are within wetlands that have been classified as a bog, compensatory mitigation is required per Administrative Rules Env-Wt 302.03(b) and Env-Wt 303.02(a).
15. On-site options for mitigation have been considered and the department has determined that this project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund.
16. The payment calculated for the proposed wetland loss equals \$503.51 dollars.
17. The Department decision is issued in letter form and upon receipt of the ARM fund payment, the Department shall issue a posting permit in accordance with Env-Wt 803.08(f).
18. The payment into the ARM fund shall be deposited in the DES fund for the Connecticut River-Waits River to White River watershed per RSA 482-A:29.
19. The proposed project is for the public and will enhance the public's access within the existing refuge.
20. DES has received no comments in opposition to the proposed project.
21. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the palustrine resource, as identified under RSA 482-A:1.

## MINOR IMPACT PROJECT

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**2005-02540**

**TUCCI, RALPH**

**PITTSFIELD Unnamed Wetland Suncook River & Kelly Brook**

### Requested Action:

Amend permit to relocate crossing B4 and reduce permanent wetland impacts from 4,424 square feet to 4,069 square feet and increase restoration from 127,013 to 127,368, the total impacts for the project 131,182 have not changed.

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APPROVE AMENDMENT:

Retain a total 4069 square feet of palustrine forested wetland and streams for the construction of an interior road system for agricultural use.

**With Conditions:**

1. All work shall be in accordance with plans By Schauer Environmental Services dated May 22, 2006, and revised through January 13, 2009, as received by the Department on January 16, 2009.
2. Restoration work shall be in accordance with plans by Schauer Environmental Services Restoration of Impact B2 as approved and conditioned by the Department.
3. This permit is contingent on completion of the restoration, per a Restoration Plan Approval issued by the DES Wetlands Bureau, Compliance Section, of the unpermitted impacts.
4. This permit is contingent on approval by the DES Alteration of Terrain Program.
5. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

**With Findings:**

The Department reaffirms findings 1-5 of the original approval:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant is working with the Department in order to come into complete compliance with RSA 482-A. This permit is part of the process to come into compliance with Administrative Order WD 05-031.

**2008-00187                      MARLBOROUGH, TOWN OF  
MARLBOROUGH   Unnamed Stream**

**Requested Action:**

Deny permit request to dredge and fill 1,875 square feet of Robbins Brook to retain an existing 10-foot x 165-foot CMP culvert, shot-crete repair the existing culvert and install 60 linear feet of riprap.

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**DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:**

Deny permit request to dredge and fill 1,875 square feet of Robbins Brook to retain an existing 10-foot x 165-foot CMP culvert, shot-crete repair the existing culvert and install 60 linear feet of riprap.

**With Findings:**

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i), Projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
2. A request for additional information dated June 04, 2008, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
3. DES received a response to the June 04, 2008, Request for More Information on July 24, 2008.
4. The response was lacking the requested drainage calculations confirming the proposed culvert is appropriately sized.
5. On August 21, 2008, DES issued a general letter stating that DES is waiting for the final and complete response to item no. 5 of the June 02, 2008, Request for More Information, the drainage analysis. DES also stated the response must be received by October 02, 2008.
6. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
7. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2008-01041 CHAMBERLIN, NEIL & JEAN**  
**BATH Unnamed Wetland**

**Requested Action:**

Proposal to dredge and fill approximately 5,700 sq. ft. of swamp wetlands and associated intermittent streams for access to a proposed five lot residential subdivision containing one +/-116 acre remaining land lot.

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**APPROVE PERMIT:**

Dredge and fill approximately 5,150 sq. ft. of wetlands and associated intermittent streams for access to a proposed six lot residential subdivision containing one +/-106 acre remaining land lot. Work in wetlands consists of construction of five new culvert wetlands crossings and new culvert headwalls at an existing crossing for two common driveways that will provide access to all six lots.

**With Conditions:**

1. All work shall be in accordance with plans by Harry J. Burgess Surveyor/Forester, plan sheets 1 and 2 of 3 revision dated December 2008 and plan sheet 3 of 3 dated December 2008 and narratives by Lobdell Associates Inc., dated January 22, 2009, as received by DES on January 26, 2009 and narratives by Lobdell Associates Inc., dated February 24, 2009, as received by DES on February 25, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback. Additional wetlands impacts for any future access required on the remaining land lot ("106 AC+/- remaining") may be considered by DES.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Grafton County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Work shall be done during low flow.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic faulty equipment shall be repaired immediately.
17. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

**With Findings:**

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l) Projects that alter the course of or disturb less than 200

linear feet of an intermittent or perennial

nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

5. The applicant has designed two common driveways to access all six lots in the subdivision.

6. The applicant has reduced the proposed impacts from 5,700 square feet and an associated 210 linear feet of intermittent stream impact to 5,150 square feet of wetlands impacts and an associated intermittent stream impact of 195 linear feet.

7. The United States Environmental Protection Agency (USEPA) reviewed the application file and indicated that the project is eligible as proposed for NH Programmatic General Permit (NHPGP) process.

8. The Riverbend Subcommittee of the CT Joint River Commissions submitted comments regarding the proposed project that were summarized by suggesting they feel comfortable advising the project move forward as long as the applicant follows plans closely, sustains erosion controls and re-seed disturbed areas immediately following construction.

9. The conditions of the approval address the Subcommittee's comments.

10. The NH Natural Heritage Bureau review identified a natural community, acid riverbank outcrop, the listed endangered dwarf wedge mussel, bald spike-rush, climbing fumitory and the listed threatened dwarf ragwort near the project site.

11. The NHB ruled out impacts to all plants other than climbing fumitory. The agent has been in contact with NHB and was requested to survey the site for the plant species. The site was investigated by the agent and will be reviewed again in the summer of 2009.

12. The plant does not appear to be a wetlands dependent species.

13. It does not appear any of the other identified species are located within close proximity of the site.

14. The project is approximately 600 hundred to 800 feet from the CT River and separated by the NH Route 135.

15. DES did not receive any comments from the NH Fish and Game Department or US Fish and Wildlife Service (USFWS) regarding potential concerns of the project and the State and Federal listed endangered dwarf wedge mussel that has been identified in the CT River.

16. The applicant's agent submitted a waiver request per Env-Wt Part 204 requesting DES to waive the wetlands delineation requirements of Administrative Rule Env-Wt 304.09(a) on the approximately 106 +/- acre remaining land lot.

17. The waiver has been requested due to the hardship it would cause the applicant to have the wetlands delineated and identified on such a large parcel that is not part of the development.

18. The applicant has provided supplemental topography information, aerial photography and soils maps information, which indicates there are no large wetlands areas on the remaining parcel other than the intermittent stream that continues from the proposed building lots through the remaining lands.

19. The applicant has provided wetlands boundaries and topography for the lots proposed for development.

20. The common driveway that provides access to lots 3, 4 and 5 also provides upland access to the remaining land lot.

21. The applicant has indicated that there is no current plan to develop or subdivide the remaining land lot.

22. The remaining land lot is very steep and mountainous.

23. The submitted soils map information depicts the site as mostly E slopes (Tunbridge-Lyman-Rock Outcrop on 25%-60% slopes) and no hydric soils.

24. Any future wetlands impacts on the remaining land lot would require additional review and permitting by DES.

25. This approval is conditioned on no further wetlands impacts on the five proposed residential building lots.

26. Based on findings #17 through #25 DES finds that the request complies with the approval criteria of Env-Wt 204.04 and approves the waiver request.

**2008-01592                      EDGEWATER INVESTMENTS INC**  
**HOOKSETT   Merrimack River**

**Requested Action:**

Construct a 4 ft x 22 ft 6 in seasonal dock connected to a 4 ft x 22 ft 6 in seasonal dock by a 6 ft x 12 ft seasonal walkway in a "U" shaped configuration, accessed by a 3 ft x 17 ft walkway on an average of 153 ft of frontage on the Merrimack River, in Hooksett.

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Conservation Commission/Staff Comments:

Con Com signed Exp Application, 3 sliip docking structure is not an Exp project type, reclassified to minor

APPROVE PERMIT:

Construct a 4 ft x 22 ft 6 in seasonal dock connected to a 4 ft x 22 ft 6 in seasonal dock by a 6 ft x 12 ft seasonal walkway in a "U" shaped configuration, accessed by a 3 ft x 17 ft walkway on an average of 153 ft of frontage on the Merrimack River, in Hooksett.

With Conditions:

1. All work shall be in accordance with plans by Schauer Environmental revision dated December 04, 2008, as received by DES on January 27, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. The Owner is responsible for entering into a Dock Licensing Agreement with Public Service Of NH in accordance with their Shoreline Management Plan as required by the Federal Energy Regulatory Commission.
4. The seasonal piers shall be removed from the waterbody for the non-boating season.
5. No portion of the pier shall extend more than 30 feet from the shoreline as defined as the reference line.
6. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a dock that exceeds the design and construction criteria discussed at Env-Wt 402.01 for minimum impact docks classified under Env-Wt 303.04.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant submitted a letter stating PSNH has no objections to the proposed dock structures provided the applicant generally conform to the stipulations in the PSNH draft dock license agreement
6. The applicant has an average of 153 feet of shoreline frontage along the Merrimack River.
7. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
8. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

**2008-01593                      EDGEWATER INVESTMENTS INC**  
**HOOKSETT   Merrimack River**

Requested Action:

Construct a 4 ft x 22 ft 6 in seasonal dock connected to a 4 ft x 22 ft 6 in seasonal dock by a 6 ft x 12 ft seasonal walkway in a "U" shaped configuration, accessed by a 3 ft x 17 ft walkway on an average of 150 ft of frontage on the Merrimack River, in Hooksett.

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Conservation Commission/Staff Comments:

Con Com signed Exp Application, 3 sliip docking structure is not an Exp project type, reclassified to minor

APPROVE PERMIT:

Construct a 4 ft x 22 ft 6 in seasonal dock connected to a 4 ft x 22 ft 6 in seasonal dock by a 6 ft x 12 ft seasonal walkway in a "U" shaped configuration, accessed by a 3 ft x 17 ft walkway on an average of 150 ft of frontage on the Merrimack River, in Hooksett.

With Conditions:

1. All work shall be in accordance with plans by Schauer Environmental revision dated December 04, 2008, as received by DES on

January 27, 2009.

2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. The Owner is responsible for entering into a Dock Licensing Agreement with Public Service Of NH in accordance with their Shoreline Management Plan as required by the Federal Energy Regulatory Commission.
4. The seasonal piers shall be removed from the waterbody for the non-boating season.
5. No portion of the pier shall extend more than 30 feet from the shoreline as defined as the reference line.
6. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a dock that exceeds the design and construction criteria discussed at Env-Wt 402.01 for minimum impact docks classified under Env-Wt 303.04.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant submitted a letter stating PSNH has no objections to the proposed dock structures provided the applicant generally conform to the stipulations in the PSNH draft dock license agreement
6. The applicant has an average of 150 feet of shoreline frontage along the Merrimack River.
7. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
8. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

**2008-01594                      EDGEWATER INVESTMENTS INC**  
**HOOKSETT   Merrimack River**

Requested Action:

Construct a 4 ft x 22 ft 6 in seasonal dock connected to a 4 ft x 22 ft 6 in seasonal dock by a 6 ft x 12 ft seasonal walkway in a "U" shaped configuration, accessed by a 3 ft x 17 ft walkway on an average of 189 ft of frontage on the Merrimack River, in Hooksett.  
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Conservation Commission/Staff Comments:

Con Com signed Exp Application, 3 sliip docking structure is not an Exp project type, reclassified to minor

APPROVE PERMIT:

Construct a 4 ft x 22 ft 6 in seasonal dock connected to a 4 ft x 22 ft 6 in seasonal dock by a 6 ft x 12 ft seasonal walkway in a "U" shaped configuration, accessed by a 3 ft x 17 ft walkway on an average of 189 ft of frontage on the Merrimack River, in Hooksett.

With Conditions:

1. All work shall be in accordance with plans by Schauer Environmental revision dated December 04, 2008, as received by DES on January 27, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. The Owner is responsible for entering into a Dock Licensing Agreement with Public Service Of NH in accordance with their Shoreline Management Plan as required by the Federal Energy Regulatory Commission.
4. The seasonal piers shall be removed from the waterbody for the non-boating season.
5. No portion of the pier shall extend more than 30 feet from the shoreline as defined as the reference line.
6. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.

7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a dock that exceeds the design and construction criteria discussed at Env-Wt 402.01 for minimum impact docks classified under Env-Wt 303.04.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant submitted a letter stating PSNH has no objections to the proposed dock structures provided the applicant generally conform to the stipulations in the PSNH draft dock license agreement
6. The applicant has an average of 189 feet of shoreline frontage along the Merrimack River.
7. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
8. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

**2008-01939 NH DEPT OF TRANSPORTATION**

**EPSOM Leighton Brook**

Requested Action:

Replace a 37 in. x 57 in. x 42 ft. metal culvert with a 3 ft. x 7 ft. x 42 ft. open bottom precast concrete U-box, construct headwalls and stabilize northerly embankment at the outlet temporarily impacting 576 sq. ft. of stream and banks.

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Conservation Commission/Staff Comments:

Cons. Comm. - no comment

NH Fish and Game concerned with secondary impacts to endangered species.

APPROVE PERMIT:

Replace a 37 in. x 57 in. x 42 ft. metal culvert with a 3 ft. x 7 ft. x 42 ft. open bottom precast concrete U-box, construct headwalls and stabilize northerly embankment at the outlet temporarily impacting 576 sq. ft. of stream and banks. NHDOT project #2008-M503-2.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Maintenance District 5 dated 8/25/08 (no revision date) and as received by the Department on Dec. 4, 2008.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Work shall be done during low flow.

11. The use of proper erosion and sediment control methods shall prevent impacts on water quality.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), alteration of less than 200 linear feet of stream channel and banks.
2. The need for the replacement has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03 and within the applicant's project budget.
4. On October 27, 2008 the DES requested the applicant complete the response required per Rule Env-Wt 302.04(a)(7) and to indicate the size of the proposed culvert on the plan.
5. On Dec. 4, 2008 the DES received more information including a plan showing the proposed culvert dimensions; a further response to Rule Env-Wt 302.04(a)(7) stating that there will not be secondary impacts and that the permit should not be held up due to the concerns of secondary impacts as mentioned in the comments by NH Fish and Game Dept.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
7. The design as approved should result in more connectivity than the existing culvert.

**2008-02244                      HOLLORAN, MARTIN**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Install a 6 ft x 40 ft seasonal dock attached to a 3 ft x 7 ft concrete pad on frontage with an existing 9 ft x 36 ft permanent piling supported dock on Lake Winnepesaukee, Alton.

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Conservation Commission/Staff Comments:

Con Com has no objections

APPROVE PERMIT:

Install a 6 ft x 40 ft seasonal dock attached to a 3 ft x 7 ft concrete pad on frontage with an existing 9 ft x 36 ft permanent piling supported dock on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated January 22, 2009, as received by DES on January 29, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
5. Seasonal pier shall be removed from the lake for the non-boating season.
6. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a docking system that provides for 4 slips including previously existing boat slips.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the

department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has an average of 292 feet of shoreline frontage along Lake Winnepesaukee.
6. A maximum of 4 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
7. The proposed docking facility will provide 4 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

**2008-02272**

**MINK HILLS LAND LLC**

**HENNIKER Unnamed Wetland Unnamed Stream**

**Requested Action:**

Dredge and fill 240 sq. ft. of palustrine forested wetlands to upgrade a road and 1,063 sq. ft. of perennial stream to restore a corduroy crossing and install a 6-foot, 4-inch x 30-foot corrugated polymer coated CSP embedded culvert to upgrade an historic access way to a proposed excavation operation on a landlocked parcel.

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**APPROVE PERMIT:**

Dredge and fill 240 sq. ft. of palustrine forested wetlands to upgrade a road and 1,063 sq. ft. of perennial stream to restore a corduroy crossing and install a 6-foot, 4-inch x 30-foot corrugated polymer coated CSP embedded culvert to upgrade an historic access way to a proposed excavation operation on a landlocked parcel.

**With Conditions:**

1. All work shall be in accordance with plans by McCourt Engineering Associates, PLLC dated September 02, 2008 and revised through January 27, 2009, December 2, 2008, December 09, 2008, and January 16, 2009 sheets 1-7 and 9 & 10 and plans dated September 02, 2008, and plans dated September 02, 2008, and revised through January 16, 2009, and plans not dated as received by the Department on February 26, 2009.
2. This permit is contingent upon the restoration of 514 sq. ft. of perennial stream bed in accordance with plans received January 30, 2009 prior to the start of construction.
3. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
4. Work shall be done during annual low flow conditions.
5. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. There shall be no excavation or operation of construction equipment in flowing water.
10. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse. In-stream work shall not exceed five consecutive days in total unless specifically authorized in writing by the DES Wetlands Bureau.
11. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
13. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
14. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.

15. Temporary cofferdams shall be entirely removed immediately following construction.
16. Proper headwalls shall be constructed within seven days of culvert installation.
17. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
18. Materials used to emulate a natural channel bottom within the culvert, between wingwalls and beyond must be rounded and smooth stones similar to the natural stream substrate and shall not include angular rip-rap or gravel.
19. The recreated stream channel bed must maintain the natural and a consistent streambed elevation and not impede stream flow.
20. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
21. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
22. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
23. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
24. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
25. A post-construction report documenting the status of the restored streambed and banks and completed construction shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
2. In correspondence dated November 19, 2008, the Henniker Conservation Commission stated they inspected the two impact areas and have no objections to the project.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2008-02421                      YOUNG, BRIAN & ANN**  
**SANDWICH   Squam Lake**

Requested Action:

Install a second 6 ft x 40 ft seasonal dock connected to an existing 6 ft x 40 ft seasonal dock by a 6 ft x 14 ft walkway in a "U" shaped configuration on an average of 447 t of frontage on Squam Lake, in Sandwich.

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Conservation Commission/Staff Comments:  
Con Com submitted comments

APPROVE PERMIT:

Install a second 6 ft x 40 ft seasonal dock connected to an existing 6 ft x 40 ft seasonal dock by a 6 ft x 14 ft walkway in a "U" shaped configuration on an average of 447 t of frontage on Squam Lake, in Sandwich.

With Conditions:

1. All work shall be in accordance with plans by as received by DES on November 07, 2008.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from

abutting property lines or the imaginary extension of those lines into the water.

4. The seasonal piers shall be removed from the lake for the non-boating season.
5. No portion of the piers shall extend more than 40 feet from the shoreline at full lake elevation.
6. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a dock that exceeds the design and construction criteria discussed at Env-Wt 402.01 for minimum impact docks classified under Env-Wt 303.04.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has an average of 447 feet of shoreline frontage along Squam Lake.
6. A maximum of 6 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
7. The proposed docking facility will provide 4 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

**MINIMUM IMPACT PROJECT**

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**2007-02787                      THE COLE & HIER COMPANY LLC**  
**CORNISH   Unnamed Stream**

Requested Action:

Retain 68 sq. ft. of intermittent stream and associated palustrine forested wetland impact for the installation of a 20-inch x 20-foot corrugated plastic culvert.

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APPROVE PERMIT:

Retain 68 sq. ft. of intermittent stream and associated palustrine forested wetland impact for the installation of a 20-inch x 20-foot corrugated plastic culvert.

With Conditions:

1. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 sq. ft. of wetlands.
2. This lot was created by a 2003 6-lot subdivision of the original 50 acre parcels tax map/lot no. 16/18 and 21. All subdivided lots are 5 acres or greater.
3. A complaint for activities on this parcel was received by the DES Wetlands Bureau on November 19, 2007.
4. DES enforcement staff investigation determined an After-the-Fact Standard Dredge and Fill Application should be submitted.
5. Applications received after the work is completed shall be subject to the same review as given any other application, per Rule

Env-Wt 302.05.

6. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
7. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
8. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2008-01792**

**TILLOTSON CORPORATION**

**DIXVILLE Mud Pond Canal, Sugar Hill Brk & Lake Abenaki Spil**

Requested Action:

Maintenance dredge and fill 3,000 square feet within existing man-made water canals (Mud Pond canal and Sugar Hill Brook canal) and Lake Abeniki spillway to remove accumulated sediments and debris and repair slopes and rip-rap over the next five years (400 square feet dredge and fill 200 square feet per year). Additional impacts include, 470 square feet of impact to replace the Moose Brook Diversion structure.

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APPROVE PERMIT:

Maintenance dredge and fill 3,000 square feet within existing man-made water canals (Mud Pond canal and Sugar Hill Brook canal) and Lake Abeniki spillway to remove accumulated sediments and debris and repair slopes and rip-rap over the next five years (400 square feet dredge and fill 200 square feet per year). Additional impacts include, 470 square feet of impact to replace the Moose Brook Diversion structure.

With Conditions:

1. All work shall be done in accordance with plans and narratives by Provan & Lorber, Inc., plans dated February 7, 2003, narratives dated August 8, 2008, as received by DES on September 2, 2008 and revised plans and narratives by Provan & Lorber, Inc., plan "Figure 2" dated December 2, 2008, plan "Figure 4, Figure 5" dated December 1, 2008 and plan "Figure 6" dated January 26, 2009 and narratives dated January 26, 2009, as received by DES on January 29, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
5. Work shall be done during low flow or dry conditions.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
8. Within three days of a temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
11. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
12. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
13. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible (if applicable) for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or



fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. The project is classified as a Minimum Impact Project per NH Administrative Rule Env-Wt 303.04(k) & (x), as impacts are for maintenance dredging and repair and replacement of existing structures.
2. The project is necessary to maintain the man-made canals built circa 1918 which divert water towards the Lake Abeniki watershed and provides water for the Balsams Resort and to repair the existing spillway of the Lake Abeniki dam.
3. DES has issued similar permits for work conducted within the canal system and repairs to the dam under Wetlands Bureau files #1993-1631, #2002-02422 and #2003-00413.
4. The project, as approved and conditioned, has met the intent of Rule Env-Wt 302.03 regarding the avoidance and minimization of wetland impacts.

**2008-02068                      MITCHELL, EUGENE**  
**GREENFIELD   Unnamed Wetland**

Requested Action:

Dredge and fill  $\pm$  2,680 sq. ft. of palustrine forested wetlands for fire pond construction required by the Town of Greenfield for a proposed 30-lot subdivision on  $\pm$  95.211 acres.

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APPROVE PERMIT:

Dredge and fill  $\pm$  2,680 sq. ft. of palustrine forested wetlands for fire pond construction required by the Town of Greenfield for a proposed 30-lot subdivision on  $\pm$  95.211 acres.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated June 20, 2008, as received by DES on September 19, 2008 and Subdivision Plans dated June 25, 2007, and revised through February 07, 2008, as received by the Department on January 28, 2009.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition # 4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
7. All work shall be done in low flow conditions.
8. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Machinery shall not be located within jurisdictional areas.
10. Machinery shall be staged and refueled in upland areas.
11. Dredged spoils shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
13. Within three calendar days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(p), Construction of a pond with less than 20,000 sq. ft. of wetlands impact.
2. In correspondence dated December 29, 2008, the Greenfield Fire Department stated that subdivisions of 7 lots or more require a water source for fire suppression.

3. The Agent has confirmed that no wetlands were observed in the area of the junction of the Class VI road and the Peavey Road right-of-way.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2008-02245                      MCHUGH, VIRGINIA**  
**WOLFEBORO   Lake Winnepesaukee**

Requested Action:

Install a 4 ft x 25 ft seasonal wharf along the shoreline on Lake Winnepesaukee, Wolfeboro.

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Conservation Commission/Staff Comments:

No Con Com submitted comments questioning whether the boardwalk and seasonal dock configuration in the least impacting alternative and the "20 questions" has not been addressed

Inspection Date: 12/11/2008 by Dale R Keirstead

APPROVE PERMIT:

Install a 4 ft x 25 ft seasonal wharf along the shoreline on Lake Winnepesaukee, Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by Beckwith Builders dated February 03, 2009, as received by DES on February 04, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
4. Seasonal pier shall be removed from the lake for the non-boating season.
5. The seasonal dock shall be installed along the shoreline, parallel to the shoreline at full lake elevation.
6. This permit does not allow for any modification of the shoreline for the installation of the dock or access to the dock.
7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), construction of a seasonal dock.

**2008-02516                      DONAN, WENDY & JOHN SHAY**  
**WHITEFIELD   Farm Pond**

Requested Action:

Proposal to maintenance dredge an existing farm pond.

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APPROVE PERMIT:

Maintenance dredge approximately 5,960 sq. ft. of an existing farm pond.

With Conditions:

1. All work shall be in accordance with the existing site conditions plan by Vander-Hayden Land Surveying, dated November 7, 2008 with plan edits and narratives by Jack Shay, as received by DES on January 27, 2009.
2. Work shall be done during low or no flow site conditions.
3. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. The proposed dredge disposal area shall be reviewed by a qualified environmental professional to assure no wetlands or surface waters will be impacted by the disposal of the dredge materials.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil (including pond dredge material) areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
10. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
11. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
12. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(k) Maintenance dredging, when necessary to provide continued usefulness of nontidal drainage ditches, man-made ponds, and spillways, provided that:
  - (1) The work is done within the original bounds of a legally-constructed project;
  - (2) The project is not located in or adjacent to prime wetlands;
  - (3) The work does not exceed 20,000 square feet; and
  - (4) For man-made ponds, the pond has not been abandoned as defined in Env-Wt 101.01
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has indicated that the historically constructed farm pond started showing signs of distress approximately two years ago when silt levels in the pond increased and vegetation appeared.
4. The applicant indicated that the silt is a result of runoff from the adjacent drainage culvert on NH Route 3.
5. The applicant wants to utilize the water from the farm pond to provide irrigation for their farm.
6. The applicant submitted the proposed project as a Minimum Impact Agricultural project under Administrative Rule Env-Wt 304.04(u), however, it did not meet the requirements of the Administrative Rule.
7. The applicant provided additional information and the application was processed as a minimum impact project per the Administrative Rule Env-Wt 303.04(k).

**2009-00311                      CONNOLLY, MARY**  
**HANOVER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Hanover Tax Map 11, Lot# 11 & 13

## FORESTRY NOTIFICATION

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**2009-00274**                      **SCHULZE, M BARBARA**  
**MASON**

COMPLETE NOTIFICATION:  
Mason Tax Map C, Lot# 19, 22 & 23

**2009-00283**                      **NICHOLS, KATHLEEN**  
**HANCOCK**   **Unnamed Stream**

COMPLETE NOTIFICATION:  
Hancock Tax Map R3, Lot# 1, 12 & 13

**2009-00284**                      **BROWN, JAMES**  
**ACWORTH**   **Unnamed Stream**

COMPLETE NOTIFICATION:  
Acworth Tax Map 238, Lot# 4

**2009-00298**                      **PROCTOR ACADEMY**  
**ANDOVER**   **Unnamed Stream**

COMPLETE NOTIFICATION:  
Andover Tax Map 18, Lot# 616,150 & 840,096

**2009-00310**                      **OSSIPEE, TOWN OF**  
**OSSIPEE**   **Unnamed Stream**

COMPLETE NOTIFICATION:  
Ossipee Tax Map 25, Lot# 29 & 30

**2009-00312**                      **KENISTON, BERTRAND**  
**PIERMONT**   **Unnamed Stream**

COMPLETE NOTIFICATION:  
Piermont Tax Map R13, Lot# 8

**2009-00313**                      **BAYROOT LLC - MOXIE TREE FARM, C/O WAGNER FOREST M**  
**MILLSFIELD**   **Unnamed Stream**

COMPLETE NOTIFICATION:  
Millsfield Tax Map 1623, Lot# 14 & 28

**2009-00319                      BARNARD, JANICE**  
**HEBRON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Hebron Tax Map 1, Lot# 6

**2009-00320                      EGAN, RICHARD**  
**STRATFORD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Stratford Tax Map R20, Lot# 19

**EXPEDITED MINIMUM**

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**2005-01173                      LEBLANC, MICHAEL**  
**BELMONT   Unnamed Wetland**

Requested Action:

Approve name change to: Michael LeBlanc, 40 Chapman Pt.Rd., Meredith NH 03253 per request received 2/20/2009. Previous owner: Drouin Builders Inc.

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Conservation Commission/Staff Comments:

The Belmont Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE NAME CHANGE:

Impact 427 square feet within the bed and banks of an intermittent stream to install a 15-inch by 22-foot culvert for access to a single family residential lot on 22.52 acres as part of a 3-lot subdivision of 29.42 acres.

With Conditions:

1. All work shall be in accordance with the Subdivision Plan by Harold E. Johnson, Inc. dated January 31, 2005, as received by the Department on May 31, 2005.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. Work shall be done during low flow conditions.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02.

**2008-00658                      BELL EXCAVATION**  
**NEWBURY   Unnamed Wetland**

Requested Action:

Deny permit request to dredge and fill 800 sq. ft. of stream/wetlands to install a 4-foot x 30-foot culvert for access to timber harvesting activities.

\*\*\*\*\*

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny permit request to dredge and fill 800 sq. ft. of stream/wetlands to install a 4-foot x 30-foot culvert for access to timber harvesting activities.

With Findings:

1. This is a minimum or minor impact project per Administrative Rule Env-Wt 303.04(n), Projects that alter the course of or disturb less than 50 linear feet of an intermittent nontidal stream channel or its banks or Env-Wt 303.03(l), Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
2. A Request for More Information (RMI) dated June 24, 2008, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
3. An extension agreement from was signed on October 22, 2008, extending the applicants date to respond to the June 24, 2008, RMI to December 22, 2008.
4. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
5. DES did not receive the requested additional information within the 120 day extension deadline and therefore the application has been denied.

**2008-02147                      NEW LONDON, TOWN OF**  
**NEW LONDON**

Requested Action:

Deny permit request to dredge and fill Red Brook at Lansom Lane to replace an existing 4-foot x 30-foot corrugated metal culvert with a 78-inch x 56-inch x 30-foot elliptical culvert with cement block headwalls.

\*\*\*\*\*

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny permit request to dredge and fill Red Brook at Lansom Lane to replace an existing 4-foot x 30-foot corrugated metal culvert with a 78-inch x 56-inch x 30-foot elliptical culvert with cement block headwalls.

With Findings:

1. A request for additional information dated December 09, 2008, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2008, requiring the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a)(2), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

**2008-02296                      OLSON, TED**  
**FITZWILLIAM   Unnamed Stream**

Requested Action:

Dredge and fill 727 sq. ft. of palustrine forested wetlands to install four 15-inch CPE culverts for driveway access to a single family

residence lot.

\*\*\*\*\*

**APPROVE PERMIT:**

Dredge and fill 727 sq. ft. of palustrine forested wetlands to install four 15-inch CPE culverts for driveway access to a single family residence lot.

**With Conditions:**

1. All work shall be in accordance with plans by Graz Engineering, LLC dated September 30, 2008, and revised though November 17, 2008, as received by the Department December 04, 2008.
2. Work shall be done during low flow conditions.
3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Culverts shall be laid at original grade.
8. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 sq. ft. of wetlands.
2. This lot was created in July of 2008 as part of a 4-lot subdivision on  $\pm$  60.92 acres.
3. Subdivision approval was obtained by the state for lots 30-2 and 30-3, SA2008008649.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2008-02485  
SULLIVAN**

**SULLIVAN, TOWN OF**

**Requested Action:**

Deny permit request to replace a 36-inch corrugated metal culverts with a 48-inch HDPE culvert at South Road/intermittent stream, replace a 48-inch corrugated culvert with a 48-inch culvert at Cross Road/Meetinghouse Brook, replace a 36-inch culvert with a 42-inch culvert at Cross Road/intermittent stream and replace a 30-inch and 16-inch concrete culvert with a 42-inch squashed plastic culvert at Meetinghouse Brook/gravel road behind fire station.

\*\*\*\*\*

**DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:**

Deny permit request to replace a 36-inch corrugated metal culverts with a 48-inch HDPE culvert at South Road/intermittent stream, replace a 48-inch corrugated culvert with a 48-inch culvert at Cross Road/Meetinghouse Brook, replace a 36-inch culvert with a 42-inch culvert at Cross Road/intermittent stream and replace a 30-inch and 16-inch concrete culvert with a 42-inch squashed plastic culvert at Meetinghouse Brook/gravel road behind fire station.

**With Findings:**

1. A request for additional information dated December 11, 2008, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2008, requiring the applicant to submit additional information to DES within 60 days of the

request.

2. Pursuant to RSA 482-A:3, XIV(a)(2), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.

3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

**2008-02584**

**HOUGHTON, CLARENCE**

**WALPOLE Unnamed Pond**

Requested Action:

Deny permit request to dredge 1000 sq. ft. of sediment from an existing pond.

\*\*\*\*\*

**DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:**

Deny permit request to dredge 1000 sq. ft. of sediment from an existing pond.

With Findings:

1. A request for additional information dated December 23, 2008, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2008, requiring the applicant to submit additional information to DES within 60 days of the request.

2. The applicant submitted an insufficient response on January 04, 2009.

3. In correspondence dated February 04, 2009, DES outlined outstanding items required for approval.

4. The February 04, 2009, letter was returned to DES on February 09, 2009.

5. On February 12, 2009, DES emailed a copy of the general letter to the applicant.

6. The February 04, 2009, letter was re-mailed on February 17, 2009.

7. The applicant attempted to contact DES by phone on February 18, 2009.

8. Pursuant to RSA 482-A:3, XIV(a)(2), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.

9. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

**2009-00143**

**BOUDREAU, GERARD**

**SUGAR HILL Unnamed Wetland**

Requested Action:

Remove existing failed 18-inch culvert and replace with two 24-inch x 20 foot culverts with a 10 foot rip-rap apron impacting 1,500 square feet along 30 feet of intermittent stream for access to a single family building location.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Conservation Commission signed the minimum impact expedited application waiving their right to intervene on the project.

**APPROVE PERMIT:**

Remove existing failed 18-inch culvert and replace with two 24-inch x 20 foot culverts with a 10 foot rip-rap apron impacting 1,500 square feet along 30 feet of intermittent stream for access to a single family building location.

With Conditions:

1. All work shall be in accordance with plans by Presby Construction Inc. dated December 29, 2008, as received by the Department on January 29, 2009.

2. This permit is contingent on approval by the DES Subsurface Systems Bureau.

3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

4. Work shall be done during non-flow conditions.

5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons,



and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.

6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.

7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

9. Proper headwalls shall be constructed within seven days of culvert installation.

10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

#### With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(z), installation of a culvert, bridge, pole, or rock ford and associated fill to permit vehicular access to a piece of property for a single family building lot.

2. This project proposes the same work that was previously permitted under wetlands file # 2003-02477. The previous permit expired 01/15/2009 and the property owner is new.

**2009-00240**

**PSNH**

**NEW HAMPTON Blake Brook**

#### Requested Action:

Dredge and fill 720 square feet to cross 2 intermittent streams and 1 perennial stream within an existing utility ROW for scheduled mowing.

\*\*\*\*\*

#### APPROVE PERMIT:

Dredge and fill 720 square feet to cross 2 intermittent streams and 1 perennial stream within an existing utility ROW for scheduled mowing.

#### With Conditions:

1. All work shall be in accordance with plans by Tighe and Bond dated 2007, as received by the DES Wetlands Bureau on February 12, 2009.

2. Any future work in the utility right-of-way that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

3. All work shall be conducted during frozen conditions or under low flow conditions in the perennial stream, work within intermittent streams shall be done in the dry.

4. There shall be no excavation or operation of construction equipment in flowing water.

5. The bridge structure over the perennial stream shall span the entire channel.

6. All stream crossings shall be conducted during low or no flow conditions and in a manner so as to minimize turbidity.

7. Prior to the installation; swamp mats shall be inspected for and any/all vegetative matter shall be removed.

8. Equipment used shall be designed to have low ground contact pressure or placed on temporary swamp mats so as to minimize rutting of the soils. Swamp mats shall be removed immediately upon completion of work in a particular area so as not to result in permanent impacts.

9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.

11. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering wetlands.

12. Faulty equipment shall be repaired prior to entering wetlands.
13. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
14. All refueling of equipment shall occur 100 feet away from surface waters or wetlands during construction.
15. All temporary impacts to wetlands shall be restored to natural grade, stabilized, and replanted with native vegetation where necessary.
16. All temporary impacts to wetlands shall be regraded to original contours and stabilized within 72 hours following the completion of work and 30 days of the start of work.
17. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
18. Silt fence(s) must be removed once the area is stabilized.
19. The right-of-way shall be monitored at the end of construction and a written report documenting its condition shall be submitted to the DES Wetlands Bureau by July 15 of the year following project completion. The report shall include photographic documentation. The DES Wetlands Bureau shall require subsequent monitoring and may require corrective measures if the right-of-way is not adequately stabilized and restored.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o); Projects deemed minimum impact by the department based on the degree of environmental impact.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The channel of the perennial stream will be entirely spanned. The only impacts associated with the crossing will be to the associated scrub shrub wetland and would be considered minimum under the current rules.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**GOLD DREDGE**

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**2009-00306                      LUND, GARY**  
**(ALL TOWNS)   Unnamed Stream**

Conservation Commission/Staff Comments:  
cc: Bath Con Comm

**2009-00307                      LASHWAY, DAVID**  
**(ALL TOWNS)   Unnamed Stream**

Conservation Commission/Staff Comments:  
cc: Bath Con Comm

**2009-00335                      CHASTENAY, JAY**  
**(ALL TOWNS)   Unnamed Stream**

Conservation Commission/Staff Comments:  
cc: Bath Con Comm

## TRAILS NOTIFICATION

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**2008-02719                      MONADNOCK CONSERVENCY CRAMBURY TRAIL, CYRUS GREGG  
PETERBOROUGH**

### COMPLETE NOTIFICATION:

Andover Tax Map 18, Lot# 616,150 & 840,096

## ROADWAY MAINTENANCE NOTIF

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**2009-00309                      LITCHFIELD, TOWN OF  
LITCHFIELD   Unnamed Stream**

### COMPLETE NOTIFICATION:

Extend 36", 24", 18", and twin 12" culverts

## CSPA PERMIT

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**2008-02496                      RUSNAK, JOHN  
NOTTINGHAM   Pawtuckaway Lake**

### Requested Action:

Impact 630 sq ft for the purposes of constructing a 10X16 deck and an entryway onto an existing single family dwelling.

\*\*\*\*\*

### DENY PERMIT:

Impact 630 sq ft for the purposes of constructing a 10X16 deck and an entryway onto an existing single family dwelling.

### With Findings:

1. A request for additional information was issued to the Applicant on December 15, 2008. The letter specified nine items necessary to complete the file and that these items must be submitted to DES within 60 days of the date the request was sent by DES(ref. RSA 483-B:5-b, V(a)).
2. Pursuant to RSA 483-B:5-b, V(a), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive any of the requested additional information within the 60 days and therefore the application has been denied.

**2008-02563                      THURSTON, DIANA/STEPHEN  
FREEDOM   Ossipee Lake**

Requested Action:

Impact 2,520 sq ft for the purpose of removing an existing seasonal single family dwelling and constructing a new single family dwelling.

\*\*\*\*\*

APPROVE PERMIT:

Impact 2,520 sq ft for the purpose of removing an existing seasonal single family dwelling and constructing a new single family dwelling.

With Conditions:

1. All work shall be in accordance with plans by Stephen Thurston dated February 2008 and received by the Department of Environmental Services ("DES") on February 17, 2009.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. No more than 12.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
6. The project as proposed will leave approximately 7,500 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 3,525 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2008-02620                      BOULDERWOOD TRUST, C/O LOUIS SHIPLEY  
HOLDERNESS   Squam Lake**

Requested Action:

Impact 1,120 sq ft for the purpose of constructing an addition to a single family dwelling.

\*\*\*\*\*

APPROVE AMENDMENT:

Impact 2,600 sq ft for the purpose of constructing a driveway from Preston Road across Boulderwood Trust Common Land to Camp 7 and expanding an existing parking area within Camp 7.

This permit is amended to include an additional 1,120 sq ft of impact for the purpose of constructing an addition to the existing single family dwelling.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated January 21, 2009 and received by the Department of Environmental Services ("DES") on February 6, 2009.
2. No more than 14.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands and areas to remain unaltered.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. The project as proposed will leave approximately 5,830 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,536.25 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00032                      COSTA, STEPHEN**  
**MEREDITH   Winnisquam Lake**

Requested Action:

Impact 832 sq ft for the purpose of constructing a detached 32' X 26' garage.

\*\*\*\*\*

APPROVE PERMIT:

Impact 832 sq ft for the purpose of constructing a detached 32' X 26' garage.

With Conditions:

1. All work shall be in accordance with plans by Duval Survey Inc. dated February 4, 2009 and received by the Department of Environmental Services ("DES") on February 11, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
3. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
4. No more than 17.97% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. There shall be no impacts to native vegetation within 150 feet of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00069                      GALANIS, MARY ELLEN/PETER**  
**WOLFEBORO   Wentworth Lake**

Requested Action:

Impact 422 sq ft for the purpose of constructing two additions onto an existing single family dwelling.

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APPROVE PERMIT:

Impact 422 sq ft for the purpose of constructing two additions onto an existing single family dwelling.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated December 19, 2008 and received by the Department of Environmental Services ("DES") on January 14, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
3. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No more than 15.26% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
7. The project as proposed will leave approximately 2,650 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 782 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00079                      ELLIOTT, ANGELA**  
**BARRINGTON   Mendums Pond**

Requested Action:

Impact 3000 sq ft for the purpose constructing an addition onto an existing single family dwelling, a deck and a driveway with a turn around area.

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APPROVE PERMIT:

Impact 3000 sq ft for the purpose constructing an addition onto an existing single family dwelling, a deck and a driveway with a turn around area.

With Conditions:

1. All work shall be in accordance with plans by David Vincent dated December 29, 2008 and received by the Department of Environmental Services ("DES") on February 19, 2009.
2. Any trees to be removed in the completion of this project must be approved on a species by species basis with NH Natural Heritage Bureau.
3. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau."
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters,

all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

8. No more than 16.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

9. The project as proposed will leave approximately 4,260 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 4,149 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

10. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00083                      LORD, EDWIN & ANJA**  
**NEW CASTLE    Piscataqua River**

**Requested Action:**

Impact 495 sq ft to construct a parking space with pervious technology, add perimeter foundation drains, reconstruct partially collapsed shoreline retaining wall and reconstruct an old garage/storage building within its existing footprint.

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**APPROVE PERMIT:**

Impact 495 sq ft to construct a parking space with pervious technology, add perimeter foundation drains, reconstruct partially collapsed shoreline retaining wall and reconstruct an old garage/storage building within its existing footprint.

**With Conditions:**

1. All work shall be in accordance with plans by Ambit Engineering Inc. dated January 5, 2009 and received by the Department of Environmental Services ("DES") on January 16, 2009.

2. Prior to the initiation of any work within the tidal buffer zone (the area extending 100 feet landward from the highest observable tide line) the Applicant shall be responsible for obtaining any Wetland Impact Permit as may be required under RSA 482-A from the DES Wetlands Bureau, Coastal Office.

3. No more than 62.0% of the area of the combined lots within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

3. The project as proposed will leave approximately 310 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 310 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00172                      BRACKETT, THOMAS**  
**GREENLAND    Great Bay**

Requested Action:

Impact 1,255 sq ft for the purpose of repairing existing single family dwellings within the existing building footprints.

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APPROVE PERMIT:

Impact 1,255 sq ft for the purpose of repairing existing single family dwellings within the existing building footprints.

With Conditions:

1. All work shall be in accordance with plans by Gary Flaherty dated December 29, 2008 and received by the Department of Environmental Services ("DES") on February 3, 2009.
2. Prior to the initiation of any work within the tidal buffer zone (the area extending 100 feet landward from the highest observable tide line) the Applicant shall obtain a Wetlands Permit, as required, under RSA 482-A from the DES Wetlands Bureau Coastal Office.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No more than 8.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. The project as proposed will leave approximately 188,620 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 94,310 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00212                      DESCHENES, JOHN**  
**NASHUA   Nashua River**

Requested Action:

Impact 1000 sq ft for the purpose of moving an existing pavilion structure from present location per order of the city of Nashua.

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APPROVE PERMIT:

Impact 1000 sq ft for the purpose of moving an existing pavilion structure from present location per order of the city of Nashua.

With Conditions:

1. All work shall be in accordance with plans by Gary Flaherty dated October 2, 2008 and received by the Department of Environmental Services ("DES") on February 9, 2009.
2. Any impacts associated with the completion of this project that are within the 100-foot Prime Wetland Buffer will require a permit under RSA 482-A.
3. No more than 3.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.



5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The project as proposed will leave approximately 9,130 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,500 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00213                      DINEEN, JOHN & GINA MARIE**  
**GILFORD   Lake Winnepesaukee**

**Requested Action:**

Impact 940 sq ft for the purpose of constructing a concrete pad for generator and excavating a trench for the service line connecting the generator to the single family dwelling.

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**APPROVE PERMIT:**

Impact 940 sq ft for the purpose of constructing a concrete pad for generator and excavating a trench for the service line connecting the generator to the single family dwelling.

**With Conditions:**

1. All work shall be in accordance with plans by David M. Dolan Associates dated February 4, 2009 and received by the Department of Environmental Services ("DES") on February 9, 2009.
2. No trees with a dbh greater than 8" may be removed for the completion of this project as recommended by the NH Fish and Game Nongame and Endangered Wildlife program.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. No more than 18.89% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. The project as proposed will leave approximately 8,770 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 8,760 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00218                      DINSMORE REV TRUST, MARION**  
**WINDHAM   Cobbetts Pond**

Requested Action:

Impact 1000 sq ft for the purpose of installing a state approved septic system.

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APPROVE PERMIT:

Impact 1000 sq ft for the purpose of installing a state approved septic system.

With Conditions:

1. All work shall be in accordance with plans by Findeisen Survey and Design LLC dated June 11, 2008 and received by the Department of Environmental Services ("DES") on February 10, 2009.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No more than 15.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. There shall be no impacts to native vegetation associated with the proposed project between 50' and 150' of the reference line in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00222                      DINSMORE REV TRUST, MARION**  
**WINDHAM   Cobbetts Pond**

Requested Action:

Impact 1,600 sq ft for the purpose of installing a state approved septic system.

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APPROVE PERMIT:

Impact 1,600 sq ft for the purpose of installing a state approved septic system.

With Conditions:

1. All work shall be in accordance with plans by Findeisen Survey and Design LLC dated May 27, 2008 and received by the Department of Environmental Services ("DES") on February 10, 2009.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau."
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the

site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

7. No more than 0.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

8. There shall be no impacts to native vegetation between 50' and 150' from the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).

9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00223                      DINSMORE REV TRUST, MARION**  
**WINDHAM    Cobbetts Pond**

Requested Action:

Impact 950 sq ft for the purpose of installing a state approved septic system.

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APPROVE PERMIT:

Impact 950 sq ft for the purpose of installing a state approved septic system.

With Conditions:

1. All work shall be in accordance with plans by Findeisen Survey and Design LLC dated June 5, 2008 and received by the Department of Environmental Services ("DES") on February 10, 2009.

2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.

3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.

4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

7. No more than 18% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

8. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).

9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00224                      DINSMORE REV TRUST, MARION**  
**WINDHAM    Cobbetts Pond**

Requested Action:

Impact 1,400 sq ft for the purpose of installing a state approved septic system.

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**APPROVE PERMIT:**

Impact 1,400 sq ft for the purpose of installing a state approved septic system.

**With Conditions:**

1. All work shall be in accordance with plans by Findeisen Survey and Design LLC dated June 25, 2008 and received by the Department of Environmental Services ("DES") on February 10, 2009.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No more than 26.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00258                      INGALLS, MEG**  
**BROOKFIELD   Kingswood Lake**

**Requested Action:**

Impact 5,146 sq ft for the purpose of construct a new gravel driveway.

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**APPROVE PERMIT:**

Impact 5,146 sq ft for the purpose of construct a new gravel driveway.

**With Conditions:**

1. All work shall be in accordance with plans by Pollock Land Planning LLC dated February 1, 2009 and received by the Department of Environmental Services ("DES") on February 13, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
3. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No more than 6.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional

approval is obtained from DES.

7. The project as proposed will leave approximately 24,000 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 16,062.5 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00259                      HILDRETH/WARD, JON/TRACY**  
**LACONIA   Lake Opechee**

**Requested Action:**

Impact 13,129 sq ft for the purpose of constructing a single family dwelling with off-site water and septic systems.

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**APPROVE PERMIT:**

Impact 13,129 sq ft for the purpose of constructing a single family dwelling with off-site water and septic systems.

**With Conditions:**

1. All work shall be in accordance with plans by Steven J. Smith and Associates, INC. dated January 9, 2009 and received by the Department of Environmental Services ("DES") on February 13, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
3. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No more than 28.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00265                      HARRIS-MILTON REALTY TRUST**  
**MEREDITH   Lake Winnepesaukee**

**Requested Action:**

Impact 2,790 sq ft for the purpose of constructing additions onto an existing single family dwelling and an existing bunkhouse and constructing 3 new decks.

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**APPROVE PERMIT:**

Impact 2,790 sq ft for the purpose of constructing additions onto an existing single family dwelling and an existing bunkhouse and constructing 3 new decks.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated January 23, 2009 and received by the Department of Environmental Services ("DES") on February 13, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
3. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No more than 10% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
7. The project as proposed will leave approximately 7,520 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 5,770 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**CSPA PERMIT W/VARIANCE**

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**2008-02830                      LANTZ, LU ANNE**  
**SUNAPEE   Perkins Pond**

Requested Action:

Impact 2,593 sq ft for the purpose of constructing a single family dwelling with a deck, a retaining wall, and installing a septic system and a well.

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APPROVE PERMIT:

Impact 2,593 sq ft for the purpose of constructing a single family dwelling with a deck, a retaining wall, and installing a septic system and a well.

VARIANCE APPROVED: RSA 483-B:9,V(b)(2)(A)(i) is varied to reduce the area of the natural woodland buffer must remain in an unaltered state.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting engineers, INC. dated November 2008 and received by the Department of Environmental Services ("DES") on December 31, 2008.
2. This approval includes a variance of RSA 483-B:9,V(b)(2)(A)(i) and, therefore, shall not be effective until it has been recorded at the Sullivan County Registry of Deeds and a copy of the recorded variance is sent to the department by certified mail, return receipt requested.
3. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.

5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. No more than 13.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
9. The project as proposed will leave approximately 284 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state.
10. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The applicant or the designated agent hereby requests a variance from RSA 483-B:9,V(b), 2(A)(i)citing geographic hardship in the form of lot size and proximity to the reference line as justification.
2. The lot of record is approximately 6,187 sq ft.
3. The lot of record is located entirely within 150 feet of the reference line.
5. The required 25% of the area within the Natural Woodland Buffer required to remain in the unaltered state for this lot is approximately 590 sq ft.
6. As proposed, the project would leave 284 sq ft in the unaltered state but will use 210 sq ft of pervious pavement, as well as drainage and infiltration beds and the planting of native vegetation to compensate for the deficiency.
7. Based on the stated geographic hardship and the proposed mitigation the Department of Environmental Services finds that there is sufficient evidence to grant the requested variance.
8. The project as designed and conditioned will protect the public waterbody in a manner consistent with the intents of the statute.
9. The proposed project will not injure the public or private rights of others.
10. Granting the variance will do substantial justice by allowing the property owner to maintain and enjoy a significant property right while upholding the spirit of the CSPA and preserving the private rights and interests of the public.

**CSPA PERMIT W/WAIVER**

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**2008-02134                      WEAVER, PETER/SUSAN**  
**ENFIELD   Mascoma Lake**

Requested Action:

Impact 8,258 sq ft to expand an existing primary structure, construct a new foundation under the pre-existing structure's footprint and install a new septic system.

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Conservation Commission/Staff Comments:

12/30/08

Response to request for more info is incomplete. Verbally granted a 60 day extension.

APPROVE PERMIT:

Impact 8,258 sq ft to expand an existing primary structure, construct a new foundation under the pre-existing structure's footprint and install a new septic system.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with revised building plans, stormwater control plans and planting plans by CLD Consulting Engineers dated February 10, 2009 and received by the Department of Environmental Services ("DES") on February 23, 2008.
2. This approval includes a waiver of the minimum primary building setback set forth in RSA 483-B:9, II(b). This permit shall not be effective until it has been recorded with the appropriate Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. No more than 9.35% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 9,428 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 3,989 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
6. An initial vegetation monitoring report shall be submitted to DES by July 30, 2010 to review the success of the plantings and schedule remedial actions if necessary. This report shall be submitted to DES with photographs demonstrating the condition of the plantings, include any necessary remedial actions, and contain a schedule for completing the remedial actions. The report shall reference the Shoreland Permit number and be sent to the DES Wetlands Bureau, 29 Hazen Drive, Concord, NH 03302.
7. Proposed plantings shall have a 100% survival success rate upon post construction inspection from DES or the areas shall be replanted until the 100% success rate is achieved.
8. The proposed permeable pavers shall be constructed as specified on revised plans by CLD Consulting Engineers dated February 10, 2009 and received by DES on February 23, 2008, and maintained in a manner and frequency which results in effective stormwater infiltration.
9. There shall be no impact within the bank of Mascoma Lake without an approved wetlands permit from the DES Wetlands Bureau.
10. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
11. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
12. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
13. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
14. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to install stormwater controls to treat stormwater runoff from the majority of the proposed primary structure, existing car port and existing patio, as specified on revised plans by CLD Engineering dated February 10, 2009 and received by DES on February 23, 2009.
4. The applicant has proposed to remove an existing shed located within 20 ft of the reference line and occupying approximately 36 sq ft.
5. The applicant has proposed to plant native vegetation within the 50 ft waterfront buffer, as specified on revised plans by CLD Engineering dated February 10, 2009 and received by DES on February 23, 2009.
6. The applicant has proposed to replace the existing sewage disposal system with a new septic system and leachfield.



7. The applicant has proposed to construct all proposed walkways and the proposed driveway from pervious surfaces.
8. The project will result in additional native vegetation within the waterfront buffer, stormwater management, improved wastewater treatment, and conformity with the 20 ft accessory structure setback, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

**2008-02709                      MOORE, THOMAS**  
**SALEM    Arlington Reservoir**

**Requested Action:**

Impact 2,302.7 sq ft for the purpose of removing a single family dwelling, 2 patios and 2 driveways and replacing the removed structures with a larger single family dwelling with deck.

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**APPROVE PERMIT:**

Impact 2,302.7 sq ft for the purpose of removing a single family dwelling, 2 patios and 2 driveways and replacing the removed structures with a larger single family dwelling with deck.

**WAIVER APPROVED:** RSA 483-B:9,V(g)(1) is waived to allow the construction of replacement structures covering more than 30% of the protected shorelands on the lot.

**With Conditions:**

1. All work shall be in accordance with plans by Meisner Brem Corporation dated December 4, 2008 and received by the Department of Environmental Services ("DES") on December 15, 2008 with the exception that the 36 inch double oak trees as noted on the aforementioned plan shall not be removed during the completion of the proposed project and instead shall be retained in order to comply with RSA 483-B:9, V, (a), (2), (C).
2. This approval includes a waiver of RSA 483-B:9,V(g)(1) and, therefore, shall not be effective until it has been recorded at the Rockingham County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. No more than 33.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**With Findings:**

1. The existing non-conforming structures cover 37.46% of the protected shorelands on the lot with impervious surfaces and, therefore, fails to conform to the impervious surface limit set forth in RSA 483-B:9,V(g)(1), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The project as proposed would reduce the impervious surface area within the protected shoreland from 37.46% to 33.2% thus

making it "more nearly conforming", to the Minimum Shoreland Protection Standards as defined by RSA 483-B:9.

4. The Department of Environmental Services finds that the reduction of impervious surface area associated with the completion of the project as proposed meets the requirements for a Redevelopment Waiver under RSA 483-B:11, II and, therefore, the waiver is granted.

**2008-02833                      ANASTACY, BARBARA**  
**SANBORTON   Lake Winnisquam**

**Requested Action:**

Impact 1,532 sq ft to remove and replace existing, damaged, retaining walls and stairs and construct new deck.

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**APPROVE PERMIT:**

Impact 1,532 sq ft to remove and replace existing, damaged, retaining walls and stairs and construct new deck.

**WAIVER APPROVED:** RSA 483-B:9, V(g)(1) is waived to allow the expansion of a primary structure on a lot within the protected shoreland that exceeds 30% impervious surface coverage.

**With Conditions:**

1. All work shall be in accordance with plans by Schauer Environmental Consultants, LLC, dated November 24, 2008 and received by the Department of Environmental Services ("DES") on December 31, 2008.
2. This approval includes a waiver of RSA 483-B:9, V (g)(1) and, therefore, shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 45.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. The project as proposed will leave approximately 1,650 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,650 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9 V(b)(2).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Silt fencing must be removed once the area is stabilized.

**With Findings:**

1. The existing non-conforming structure is located on a lot that exceeds 30% impervious surface coverage adjacent to Lake Winnisquam and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, V (g)(1), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."

3. The applicant has proposed to remove approximately 166 sq ft of impervious surface coverage within the protected shoreland.
5. The applicant has proposed to significantly enhance the waterfront buffer by increasing the quantity of native vegetation.
6. The applicant has proposed to rebuild existing retaining walls to better intercept stormwater runoff.
7. The applicant has proposed to decrease impervious area within the protected shoreland, enhance the waterfront buffer, and implement stormwater controls, and therefore, meets the requirements for a waiver to RSA 483-B:9, V, (g), (1) as described in RSA 483-B: 11, I.